

**PROPOSED REGULATION OF THE
PUBLIC UTILITIES COMMISSION OF NEVADA**

LCB File No. R124-06

June 16, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 703.025 and 704.210.

A REGULATION relating to public utilities; revising provisions concerning representation of parties before the Public Utilities Commission of Nevada; revising provisions concerning appearances before the Commission by attorneys not licensed to practice law in Nevada; and providing other matters properly relating thereto.

Section 1. NAC 703.510 is hereby amended to read as follows:

703.510 1. ~~[A party or commenter]~~ *Subject to the specific provisions of subsections 2 to 5, inclusive, in any proceeding before the Commission, a person* may represent himself or may be represented by an attorney ~~[Any]~~ *or any* other person who satisfies the Commission or the presiding officer that ~~[he]~~ *the person* possesses the expertise ~~[to render valuable service to the Commission, and that he]~~ *and* is otherwise competent to advise and assist in the presentation of matters before the Commission . ~~[, may be allowed to appear on behalf of one or more parties or may be allowed to file written comments on behalf of one or more commenters.]~~ *The Commission may, for good cause shown, exclude or impose conditions upon the participation of any representative appearing before the Commission pursuant to the provisions of this section.*

2. *The provisions of this section rather than the provisions of Nevada Supreme Court Rule 42 govern appearances before the Commission by attorneys who are not admitted and entitled to practice before the Supreme Court of Nevada.*

3. An attorney ~~[at law appearing as counsel]~~ *appearing* in any proceeding *before the Commission* must be duly admitted to practice and in good standing before the highest court of any state ~~[. If an]~~ *or the District of Columbia.*

4. *In a contested case:*

(a) *An attorney who* is not admitted and entitled to practice before the Supreme Court of Nevada ~~[, he]~~ must associate with an attorney so admitted and entitled to practice ~~[~~

~~3.—Counsel for the Commission's staff or his assistant]~~ *and shall file a notice of association with the Commission if:*

(1) *The attorney who is not admitted and entitled to practice before the Supreme Court of Nevada has not appeared before the Commission in the 3 years immediately preceding the date on which the case is filed; or*

(2) *The Commission, for good cause shown, requires the attorney who is not admitted and entitled to practice before the Supreme Court of Nevada to associate with an attorney so admitted and entitled to practice.*

(b) *The notice of association required pursuant to paragraph (a) must:*

(1) *Identify each jurisdiction in which the attorney who is required to file the notice is duly admitted and in good standing;*

(2) *Identify by name and State Bar of Nevada identification number the attorney with whom the attorney who is required to file the notice is associating;*

(3) Describe the qualifications of the attorney who is required to file the notice to advise and assist in the presentation of the contested case before the Commission; and

(4) Be signed by the attorney who is required to file the notice and by the attorney with whom the attorney who is required to file the notice is associating.

(c) The Commission or presiding officer may require the attorney who is admitted and entitled to practice before the Supreme Court of Nevada and who is identified pursuant to subparagraph (2) of paragraph (b) to sign any pleadings and be present at any proceeding on the record.

5. An attorney who resides in Nevada and who is not admitted and entitled to practice before the Supreme Court of Nevada may not appear in any proceeding before the Commission unless the attorney:

(a) Is qualified or is in the process of qualifying for the limited practice of law pursuant to Nevada Supreme Court Rule 49.10; and

(b) Associates with an attorney who is admitted and entitled to practice before the Supreme Court of Nevada in accordance with the provisions of subsection 4.

6. An attorney from the Regulatory Operations Staff of the Commission shall represent the Commission's staff in all proceedings before the Commission.

7. As used in this section, the term "contested case" has the meaning ascribed to it in NRS 233B.032.